

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY LITIGATION

This document applies to:

All Cases

MDL No. 2545

Master Docket Case No. 1:14-cv-01748

Honorable Matthew F. Kennelly

PLAINTIFFS' STEERING COMMITTEE'S NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to the Court's March 30, 2017 minute order, granting Plaintiffs' Motion to File Notice of Supplemental Authority, Plaintiffs hereby provide the Court with notice of supplemental authority with respect to Plaintiffs' Steering Committee's Memorandum of Law in Opposition to Motion of AbbVie Defendants for Summary Judgment on Plaintiffs' Failure to Warn Claims ("Failure to Warn Opposition"), Doc. #1807. The Failure to Warn Opposition was filed on March 21, 2017. On March 22, 2017, the United States Court of Appeals for the Third Circuit issued its decision in *In re: Fosamax (Alendronate Sodium) Products Liability Litigation*, No. 14-2590, __ F.3d __, 2017 WL 1075047 (3d Cir., March 22, 2017), reversing the district court's grant of summary judgment, on grounds of preemption, with respect to failure to warn and design defect claims. Plaintiffs respectfully submit that opinion, attached hereto, as supplemental authority further supporting the arguments in Section I of the Failure to Warn Opposition.

Dated: March 30, 2017

Respectfully submitted,

/s/ Trent B. Miracle

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Plaintiffs' Co-Lead Counsel *on behalf of* Plaintiffs'
Steering Committee

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2017, I electronically transmitted the foregoing document to the Clerk of the United States District Court using the CM/ECF system for filing and service to all parties/counsel registered to received copies in this case.

/s/ Brendan A. Smith

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